

AMENDED IN SENATE JULY 7, 2004

CALIFORNIA LEGISLATURE—2003–04 REGULAR SESSION

ASSEMBLY BILL

No. 3046

**Introduced by Committee on Agriculture (Matthews (Chair),
Berg, Oropeza, Parra, Salinas, Vargas, and Wiggins)**

February 26, 2004

An act to amend Section 32814 of the Food and Agricultural Code, relating to milk.

LEGISLATIVE COUNSEL'S DIGEST

AB 3046, as amended, Committee on Agriculture. Milk inspection.

Existing law requires the Secretary of Food and Agriculture to test milk and milk products for the presence of drug residues and to adopt, by regulation, official drug residue testing methods for the detection of drug residue in bulk milk tanks, and tankers, and milk and milk products. Existing law permits the secretary to suspend or revoke the license or permit of a licensee or permittee who fails or refuses to complete a drug residue prevention program, or who has been found to have produced milk in violation of specified drug residue provisions on 3 or more occasions within a 12-month period. Existing law provides for a civil penalty, as specified, for any dairy producer found to have produced milk in violation of the drug residue provisions.

This bill would provide that in addition to the civil penalties already specified, a dairy producer found to have produced milk in violation of the drug residue provisions shall be liable to the Department of Food and Agriculture for ~~the direct costs of enforcement, including, but not limited to, the direct costs associated with the conduct of all inspections,~~

~~initial and follow up, and the costs of any hearing at which the department prevails~~ *reasonable investigation and enforcement costs, including attorney's fees.*

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 32814 of the Food and Agricultural
2 Code is amended to read:

3 32814. (a) In addition to any other penalty or fine prescribed
4 by law, including, but not limited to, denial, suspension, or
5 revocation of any license, permit or registration pursuant to
6 Sections 236 and 32811, a dairy producer found to have produced
7 milk in violation of the drug residue provisions of this chapter shall
8 be subject to a civil penalty as follows:

9 (1) For the first drug residue violation in a 12-month period that
10 caused the condemnation of a bulk raw milk pickup tanker load,
11 the dairy producer responsible for the condemnation shall be
12 subject to a penalty of two hundred fifty dollars (\$250).

13 (2) For the second or subsequent drug residue violation in a
14 12-month period that caused the condemnation of a bulk raw milk
15 pickup tanker load, the dairy producer responsible for the
16 condemnation shall be subject to a penalty not to exceed five
17 hundred dollars (\$500).

18 (b) In addition to the penalties specified in subdivision (a), a
19 dairy producer found to have produced milk in violation of the
20 drug residue provisions of this chapter shall complete a drug
21 residue prevention program, as prescribed by the secretary, within
22 30 days after receipt of written notice.

23 (c) In addition to the penalties specified in subdivisions (a) and
24 (b), a dairy producer whose drug residue contaminated milk is
25 responsible for the condemnation of a bulk raw milk pickup tanker
26 load shall be civilly liable to all other producers with milk in the
27 same bulk raw milk pickup tanker load for the full value of their
28 portion of the contaminated milk load.

29 (d) In addition to the penalties specified in subdivisions (a), (b),
30 and (c), a dairy producer found to have produced milk in violation
31 of the drug residue provisions of this chapter shall be liable to the
32 ~~department for the direct costs of enforcement, including, but not~~

1 ~~limited to, the direct costs associated with the conduct of all~~
2 ~~inspections, initial and follow up, and the costs of any hearing at~~
3 ~~which the department prevails. department for reasonable~~
4 ~~investigation and enforcement costs, including attorney's fees.~~

5 (e) Nothing in this section shall be construed to limit the
6 secretary's discretion to impose any one, or all, or any combination
7 of remedies or penalties available by statute or regulation.

